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**TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

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**IC 13-14-9.5-1.1 NOTICE OF REVIEW OF NONEXPIRING RULES**

LSA Document #16-143

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9.5-1](#) provides that chapter 9.5 does not apply to "a rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions." Therefore, those rules are not subject to this notice of readoption; however, for the reader's information, a list of exempt rules is included in this notice.

**IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW**

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. No element of the listed rules imposes either a restriction or requirement on persons to whom the rule applies that is not imposed under federal law. The Resource Conservation and Recovery Act (RCRA) at 42 U.S.C. 6901 et seq. is the authorizing federal law for the management of solid waste. With the approval of the U. S. Environmental Protection Agency (U.S. EPA) under 40 CFR 239, state programs may issue permits for solid waste management and land disposal facilities that implement U.S. EPA requirements authorized under RCRA. Indiana has an approved state program with requirements for land disposal facilities in [329 IAC 10](#).

**LIST OF RULES THAT DO NOT EXPIRE**

The following is a list of rules in 329 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

<a href="#">329 IAC 10-14</a>	Solid Waste Land Disposal Facilities; Quarterly Reports and Weighing Scales
<a href="#">329 IAC 10-19</a>	Municipal Solid Waste Landfills; Preoperational Requirements and Operational Approval

**LIST OF EXEMPT RULES**

This is a list of rules in 329 IAC to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC 13-14-9.5-1](#). This list of exempt rules is provided for informational purposes only. The following rules are exempt from [IC 13-14-9.5](#):

<a href="#">329 IAC 3.1</a>	HAZARDOUS WASTE MANAGEMENT PERMIT PROGRAM AND RELATED HAZARDOUS WASTE MANAGEMENT
<a href="#">329 IAC 4.1</a>	REGULATION OF WASTES CONTAINING PCBS
<a href="#">329 IAC 9</a>	UNDERGROUND STORAGE TANKS
<a href="#">329 IAC 13</a>	USED OIL MANAGEMENT

**REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits comments on the nonexempt rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:  
LSA Document #16-143 2016 Title 329 Rule Review  
Dan Watts  
Rules Development Branch  
Office of Legal Counsel

Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to [dwatts1@idem.in.gov](mailto:dwatts1@idem.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or time stamped not later than May 13, 2016. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

Nancy King, Chief  
Rules Development Branch  
Office of Legal Counsel

[Notice of Public Hearing](#)

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